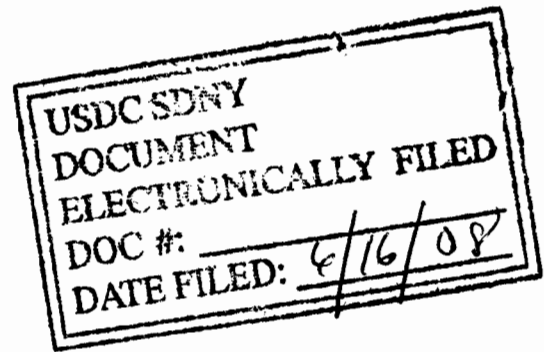


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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

National Tobacco Company, LP

Plaintiff,

-against-

Timothy Parker and Xavier Mosley p.k.a.
Blackalicious, Raymond Riley p.k.a. Boots
Riley, Solomon David and Marlon Irving,
p.k.a., Lifesavas,

Defendants.

Case No. 08 CV 03383 (SAS)

PROPOSED JOINT DISCOVERY PLAN

Date and Time of Initial
Case Management Conference:
June 13, 2008 at 4:30 p.m.

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P.
16(b) on May 15, 2008 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling
order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the
Order: .

Pursuant to Federal Rule of Civil Procedure 26(f), a telephonic meeting was held on May 23,
2008, at 10:00 a.m. to discuss a discovery plan that would be applicable between plaintiff National
Tobacco Company, LP ("NTC") and defendants Timothy Parker and Xavier Mosley p.k.a.
Blackalicious, Raymond Riley p.k.a. Boots Riley, Solomon David and Marlon Irving, p.k.a.,
Lifesavas (collectively, "Defendants"). The meeting was attended by: John Basinger of Baker &

McKenzie LLP for NTC and David Sudzus of Drinker Biddle & Reath LLP. NTC and the Defendants are collectively referred to in this Discovery Plan as the parties.

1. **Settlement Discussions.** Plaintiff has rejected all of Defendants' settlement demands as unreasonable. The action has not yet been settled.
2. **Initial Disclosures.** The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) on or before July 25, 2008 or two weeks after this Court issues a ruling on the pending Motion to Dismiss, whichever is sooner.
3. **Scope of Discovery.** Discovery will be required on the matters alleged in plaintiff's Complaint, including state and federal trademark, California Civil Code, and Oregon common law non-infringement; defamation; tortious interference with contract; and trade libel. Discovery will also be required on matters related to any and all defenses to plaintiff's allegations, as well as to any counterclaims, including false designation of origin, misappropriation of right of publicity and unfair competition. The parties agree that discovery need not be conducted in phases, or limited to or focused upon any particular issues.
4. **Provision for Electronically Stored Information.** The parties have agreed to preserve all electronic documents for the purposes of discovery.
5. **Agreements Regarding Privilege or Protection of Documents.** The parties have not yet proposed any limitations to be placed on discovery, including any protective or confidentiality orders. Upon the exchange of documents it may be necessary to submit a proposed confidentiality order to the Court.
6. **Proposed Discovery Schedule.** The parties have agreed to withhold disclosures until after a decision on the Motion to Dismiss, and therefore, cannot yet specify the particular dates of depositions of individual witnesses. However, a general schedule sets discovery on the following dates:

Dec. 15, 2008
Responses Dec. 8
Depositions end Dec. 15

- Deadline to join other parties and amend the pleadings: August 29, 2008
- Conclusion of Depositions and Fact Discovery: ~~4 months after a ruling on Motion to Dismiss~~ Dec. 15, 2008
- Conclusion of Expert Discovery: ~~7 months after a ruling on Motion to Dismiss~~
- Deadline for filing Summary Judgment motions: January 20, 2009
- Proposed Deadline for Pretrial Order: February 20, 2009
- Proposed Date of Jury Trial: To be set by Judge's discretion.

Final pretrial conf. / Pre-motion conf.

Dec. 18
at 4:30

This Scheduling Order may be altered or amended only on a showing of good cause not

foreseeable at the time of the conference, or when justice so requires.

Dated: June 13, 2008

Baker & McKenzie, LLP

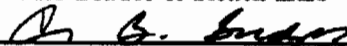


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National Tobacco Company
*Admission pro hac vice pending

Dated: June 13, 2008

Drinker Biddle & Reath LLP



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Attorneys for Defendants
Timothy Parker and Xavier Mosley p.k.a.
Blackalicious, Raymond Riley p.k.a. Boots Riley,
Solomon David and Marlon Irving, p.k.a.,
Lifesavas

So Ordered
[Signature]
USDJ 6/13/08